

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION

**MEMORANDUM OF MATTERS DISCUSSED AND  
ACTION TAKEN AT PRETRIAL CONFERENCE**

Pursuant to the order of the Court en banc of the United States District Court for the Western District of Missouri, a pretrial conference was held in the above-entitled cause before me on May 10, 2006. Defendant Francisco Magana-Rodriguez appeared in person and with retained counsel Brian Greer. The United States of America appeared by Assistant United States Attorney Catherine Connelly.

## ***I. BACKGROUND***

On October 20, 2005, an indictment was returned charging defendant with one count of conspiracy to distribute cocaine, in violation of 21 U.S.C. § 846; one count of possession with intent to distribute methamphetamine, in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(A); and one count of criminal forfeiture, pursuant to 21 U.S.C. § 853.

The following matters were discussed and action taken during the pretrial conference:

## ***II. TRIAL COUNSEL***

Ms. Connelly announced that she will be the trial counsel for the government. The case agent to be seated at counsel table is Special Agent Mark King, Bureau of Immigration and Customs Enforcement.

Mr. Greer announced that he will be the trial counsel for defendant Francisco Magana-Rodriguez.

## ***III. OUTSTANDING MOTIONS***

There is currently pending for ruling by the district judge a motion to suppress evidence (document number 36), filed on April 19, 2006. The Report and Recommendation was filed on May 9, 2006 (document number 45). Objections are due May 19, 2006.

## ***IV. TRIAL WITNESSES***

Ms. Connelly announced that the government intends to call 6 witnesses without stipulations or 5 witnesses with stipulations during the trial.

Mr. Greer announced that defendant Francisco Magana-Rodriguez intends to call no witnesses during the trial. The defendant may testify.

## ***V. TRIAL EXHIBITS***

Ms. Connelly announced that the government will offer approximately 18 exhibits in evidence during the trial.

Mr. Greer announced that defendant Francisco Magana-Rodriguez will offer no exhibits in evidence during the trial.

## **VI. DEFENSES**

Mr. Greer announced that defendant Francisco Magana-Rodriguez will rely on the defense of general denial.

## **VII. POSSIBLE DISPOSITION**

Mr. Greer stated this case is not for trial.

## **VIII. STIPULATIONS**

Stipulations are likely as to chain of custody.

## **IX. TRIAL TIME**

Counsel were in agreement that this case will take 2 days to try.

## **X. EXHIBIT LIST, VOIR DIRE AND INSTRUCTIONS**

The U. S. Magistrate Judge ordered:

That, in addition to the requirements of the Stipulations and Orders filed January 12, 2006, counsel for each party file and serve a list of exhibits he or she intends to offer in evidence at the trial of this case on the form entitled Exhibit Index and have all available exhibits premarked using the stickers provided by the Clerk of Court by May 10, 2006;

That counsel for each party file and serve requested jury voir dire examination questions by or before noon, Wednesday, May 17, 2006;

That counsel for each party file and serve, in accordance with the requirements of Local Rule 51.1, requested jury instructions by or before noon, Wednesday, May 17, 2006. Counsel are requested to provide proposed jury instructions in both hard copy form, as required by Local Rule 51.1, and, if available to counsel, 3 and 1/2 inch computer disk in a form compatible with WordPerfect 9.0, 10.0, 11.0, or 12.0.

## ***XI. UNUSUAL QUESTIONS OF LAW***

No motions in limine are anticipated. There are no unusual questions of law.

## ***XII. TRIAL SETTING***

All counsel and the defendant were informed that this case will be listed for trial on the joint criminal jury trial docket which commences on May 22, 2006. **A Spanish-speaking interpreter is required.**

This case is not likely to be tried. The parties requested a change of plea setting.

*/s/ Robert E. Larsen*

ROBERT E. LARSEN  
U. S. Magistrate Judge

Kansas City, Missouri  
May 10, 2006

cc: The Honorable Howard Sachs  
Ms. Catherine Connelly  
Mr. Brian Greer  
Mr. Jeff Burkholder